IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8287 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PURIBEN WD/O CHOTHABHAI BHURABHAI

Versus

GUJ.WATER SUPPLYAND SEWERAGE BOARD

Appearance:

1. Special Civil Application No. 8287 of 2001

MR JITENDRA M PATEL for Petitioner No. 1

MR DG CHAUHAN for Respondents No. 1-2

..... for Respondents No. 3-4

GOVERNMENT PLEADER for Respondent No. 5

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 25/02/2002

ORAL JUDGEMENT

Rule. Service of rule is waived by learned

advocate Shri D.G. Chauhan for respondents Nos. 1 to 4 and learned AGP Shri K.L. Pandya for respondent No. 5.

2. The petitioners are legal heirs of late Shri Chothabhai Bhurabhai Ahir, who expired on 15.2.2001. Late Shri Chothabhai Bhurabhai was serving under respondents Nos. 1 to 4 and the grievance, which has been made by the heirs of late Shri Chothabhai Bhurabhai, is that though late Shri Chothabhai Bhurabhai retired on 30.1.1999, till today the amount of pension has been neither paid to the deceased employee nor to his legal heirs. Learned advocate Shri D.G. Chauhan appearing for respondents Nos. 1 to 4 has submitted that except pension, all other retiral benefits had been paid to late Shri Chothabhai Bhurabhai and all relevant papers pertaining to the service record of Shri Chothabhai Bhurabhai has been forwarded to respondent No. 5 so that pension payable to late Shri Chothabhai Bhurabhai can be determined. It has been submitted that all the papers have already been forwarded to respondent No. 5 on 29.12.2001 and therefore needful is to be done by respondent No. 5 for the purpose of fixation of the pension.

3. Learned advocate Shri K.L. Pandya appearing for respondent No. 5 has submitted that needful shall be done for the purpose of fixation of pension as soon as possible so that pension can be paid to the petitioner.

4. Looking to the fact that late Shri Chothabhai Bhurabhai was entitled to pension and as neither he nor his legal heirs have received pension, it is directed that respondent No. 5 shall fix the pension within a period of six weeks from the date of receipt of this order. Upon fixation of pension, respondent No. 1 Board shall pay the amount of pension as soon as possible, but not later than two weeks from the date of receipt of the order fixing pension.

5. In view of the above directions, the petition is allowed. Rule is made absolute to the above extent with no order as to costs. Direct service is permitted.

(A.R. Dave, J.)

(hn)